



November 17, 1999

Mr. Darrell G-M Noga
Cooper & Scully
900 Jackson Street, Suite 100
Dallas, Texas 75202

OR99-3293

Dear Mr. Noga:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 130066.

The City of Coppell (the “city”), which you represent, received a request for police report number 99-40548. You state that the city has released some of the requested information, but that the remainder is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed a representative sample of the documents at issue.¹

Section 552.301 of the Government Code dictates the procedure that a governmental body must follow if it wishes to ask the attorney general for a decision determining whether requested information falls within an exception to disclosure. Among other requirements, the governmental body “must ask for the attorney general’s decision and state the exceptions that apply within a reasonable time but not later than the 10th business day after the date of receiving the written request.” Gov’t Code § 552.301(b). Otherwise, the requested information “is presumed to be subject to required public disclosure and must be released unless there is a compelling reason to withhold the information.” Act of May 25, 1999, 76th Leg., R.S., ch 1319, § 21, 1999 Tex. Sess. Law Serv. 4500, 4509-4510 (Vernon) (to be codified as an amendment to TEX. GOV’T CODE § 552.302).

The submitted request for information indicates that it was received by the city on September 15, 1999. The city’s deadline for requesting an attorney general decision expired

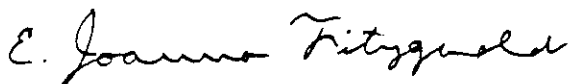
¹We assume that the “representative sample” of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

ten business days later on September 29, 1999. *See* Gov't Code § 552.301(b). However, the envelope that contained the city's request for an attorney general decision shows a postmark of September 30, 1999. Therefore, the city missed its ten-day deadline. Consequently, absent a compelling reason to withhold the information, the requested records must be released. We find that portions of the documents at issue are confidential by another source of law, and therefore a compelling reason exists to withhold these portions of the requested records. *See* Open Records Decision No. 150 (1977) (presumption of openness overcome by a showing that the information is made confidential by another source of law or affects third party interests).

The submitted documents contain a Texas license plate number and a vehicle identification number. Section 552.130 excepts information that relates to a motor vehicle operator's or driver's license or permit issued by an agency of this state or a motor vehicle title or registration issued by an agency of this state. Therefore, you must withhold the license plate and vehicle identification numbers that appear in the documents. We have marked the pages where the numbers appear.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



E. Joanna Fitzgerald
Assistant Attorney General
Open Records Division

EJF\nc

Ref: ID# 130066

Encl: Submitted documents

cc: Mr. Mohammad Mohse "Moe" Abbasszadeh
c/o Coppell Mobil Mart
890 South Denton Tap Road
Coppell, Texas 75019
(w/o enclosures)